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Via ECF

The Honorable Paul A. Engelmayer
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square- Courtroom 1305
New York, NY 10007-1312

Re: Canosa v. Weinstein, et al; Case No. 18-cv-04115-PAE

Dear Judge Engelmayer:

We are counsel to Defendants The Weinstein Company, LLC and The Weinstein Company Holdings, LLC, (collectively "TWC" or "the Debtors") in connection with the above-captioned matter.

TWC writes in accordance with the Court's December 13, 2019 Order (ECF 120) to provide a regular status update regarding TWC's bankruptcy proceedings and developments with settlement.

On June 30, 2020, Plaintiffs in the related action pending in the Southern District of New York, *Geiss, et al v. The Weinstein Company Holdings LLC, et al.*, No. 1:17-cv-09554-AKH ("Geiss") filed a Motion for Preliminary Approval of Class Action Settlement, Certification of Settlement Classes, Appointment of Class Counsel, and Permission to Disseminate Class Notice. (See *Geiss* Dkt. 333). The Honorable Judge Alvin Hellerstein held oral argument on the Motion at a telephonic Settlement Fairness Hearing on July 14, 2020. (See Minute Entry dated July 15, 2020). After the conclusion of the Hearing, the Court issued an Order denying the Motion for Preliminary Approval of the Settlement. (Dkt. 353). On July 24, 2020, Judge Hellerstein issued a written Memorandum and Opinion denying the *Geiss* Plaintiffs' motion for preliminary approval of a class action settlement. (Dkt. 357).

Following Judge Hellerstein's ruling, the Debtors immediately began conversations with the settling parties to assess whether a revised settlement can be achieved.

On July 21, 2020, non-settling tort Plaintiffs Wedil David and Dominique Huitt filed a motion in the Bankruptcy Court for the District of Delaware to convert the TWC chapter 11 bankruptcy cases to cases under Chapter 7 ("Conversion Motion") and noticed a hearing on August 4, 2020. The Notice of the Conversion Motion is attached as **Exhibit A**. The Conversion Motion was filed with less than the required 21-days' notice and failed to notice all creditors, as required under Bankruptcy Rule 2002(a)(4).



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On July 28, 2020, the TWC debtors and the Official Committee of Unsecured Creditors appointed in the chapter 11 cases filed a response requesting that the Court continue the Conversion Motion. The Debtors' response is attached as **Exhibit B**. Among other arguments advanced in the response to the Conversion Motion, the Debtors, the Committee, and the other Settlement Parties represented to the Bankruptcy Court that they have "quickly pivoted to work on a revised settlement framework in light of the District Court's ruling that would accomplish the entirety of the settlement through a revised plan to be confirmed in the Bankruptcy Court." (*Id.*, p. 3). The previously scheduled hearing on the Conversion Motion was then adjourned *sine die*.

As disclosed in the July 28, 2020 bankruptcy filing, the parties to the original Class Action Settlement Agreement are continuing to work on a detailed, revised settlement framework to be embodied in a Revised Joint Chapter 11 Plan of Liquidation. Whereas the original Joint Chapter 11 Plan filed on June 30, 2020 was predicated on the approval of the Class Action Settlement in *Geiss*, a global settlement embodied in the forthcoming Revised Plan will be implemented solely through the Bankruptcy Court-supervised plan process, with no further involvement of the District Court in the pending *Geiss* action.

The Bankruptcy Court has given TWC and its affiliate Debtors until August 31, 2020 to file a the Revised Joint Chapter 11 Plan of Liquidation.

We will continue to provide Your Honor with regular updates every 30 days pursuant to the Court's December 13, 2019 Order, and will advise of any material developments on an accelerated basis.

Respectfully submitted,

SEYFARTH SHAW LLP

/s/ Gerald L. Maatman, Jr.

Gerald L. Maatman, Jr.

cc: All Counsel of Record